

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEONDRE WILLIAMS,	§	
	§	No. 7, 2011
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court of
	§	the State of Delaware in and for
v.	§	Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0612015467
Appellee.	§	

Submitted: May 19, 2011

Decided: May 27, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 27th day of May 2011, it appears to the Court that:

(1) During the pendency of this *pro se* appeal, the appellant, through counsel, filed a motion to correct sentencing order in the Superior Court.¹ By letter dated May 9, 2011, the Superior Court informed this Court that, once jurisdiction is returned, the Superior Court intends to grant the motion to correct sentencing order.

(2) By letter dated May 17, 2011, the appellant seeks to voluntarily dismiss this appeal to allow the Superior Court to grant the motion to correct

¹ The appellant filed this *pro se* appeal from the Superior Court's January 11, 2011 denial of the appellant's *pro se* motion seeking additional credit for time served.

sentencing order.² The appellant further seeks to preserve the appeal in the event the Superior Court does not “complete [its] intention” to grant the motion to correct sentencing order.

(3) Under this Court’s practice, a voluntary dismissal pursuant to Supreme Court Rule 29(a) is deemed to be dismissed with prejudice. The Court does not permit a party to set conditions for the voluntary dismissal of an appeal.

NOW, THEREFORE, IT IS ORDERED that this matter is REMANDED to the Superior Court to rule on the motion to correct sentencing order. Jurisdiction is not retained. The mandate shall issue forthwith.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

² The appellant filed his letter in response to the Clerk’s notice to show cause why the appeal should not be dismissed as moot.